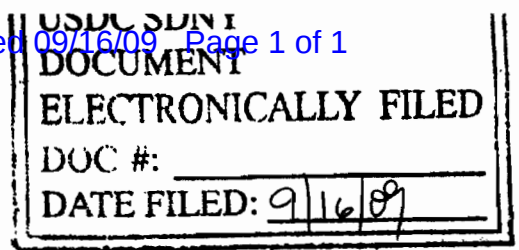


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ALAN LEHMAN, : 08 Civ. 9385 (SHS)

Plaintiff, :

-against- : ORDER

PAUL GARFINKLE, *ET AL.*, :

Defendants. :

SIDNEY H. STEIN, U.S. District Judge.

On August 24, 2009, Magistrate Judge Debra Freeman issued a Report and Recommendation recommending that defendants' motions to dismiss the corrected complaint be denied without prejudice. It is clear from the context that the Magistrate Judge determined that the complaint fails to state any claims for relief against the moving defendants but was recommending that this Court give plaintiff another opportunity to amend his corrected complaint. The Court's records indicate that as of today, no objections have been filed by any party.

After a *de novo* review of the Report and Recommendation,

IT IS HEREBY ORDERED that (1) the motions to dismiss filed by defendants Bazsuly [3], Kern [4] and Lawand [5] are granted but without prejudice to plaintiff amending the corrected complaint in order to attempt to plead facts sufficient to state viable claims against these defendants on or before October 12, 2009; and (2) defendant Bazsuly's motion for Rule 11 sanctions is denied.

Dated: New York, New York
September 16, 2009

SO ORDERED:

 A handwritten signature of Sidney H. Stein in black ink.

Sidney H. Stein, U.S.D.J.